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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,729	08/17/2001	Alexander Weiss	449122007100	4140
25227	7590	10/20/2005		
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			EXAMINER SHARMA, SUJATHA R	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/913,729	WEISS, ALEXANDER	
	Examiner	Art Unit	
	Sujatha Sharma	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn [WO 98/42154] in view of Grimes [EP 512 787 A2].

Regarding claim 1, Osborn discloses a phone device attached to a mobile terminal and a body device to be carried by the user. Osborn further discloses a telecommunication terminal comprising:

- an audible alarm device for audible call signaling in response to an incoming call. See page 2, lines 1-27, page 3, lines 7-25 and fig. 1
- an external signaling apparatus is connected to the telecommunication terminal by means of cordless communication for cordless call signaling and the audible alarm device is configured to be turned off by activating the external signaling apparatus. See page 3, lines 7-25 and page 12, lines 1-7.

However, Osborn fails to disclose a method wherein

- the audible alarm device is automatically configured to be turned on if the external signaling apparatus is not operational or a distance between the telecommunication terminal and the external signaling apparatus exceeds a defined value.

Art Unit: 2684

Grimes, in the same field of endeavor, teaches a method wherein

- the audible alarm device is automatically configured to be turned on if the external signaling apparatus is not operational or a distance between the telecommunication terminal and the external signaling apparatus exceeds a defined value. See col. 3, lines 13-31, col. 4, line 54 – col. 5, line 2 and col. 11, lines 14-20

Therefore it would have been obvious to one with ordinary skill in the art to provide the above teachings of Grimes to Osborn in order to minimize any confusion stemming from several alerting signals being provided.

Regarding claim 3, Osborn further discloses a method wherein the cordless communication between the telecommunication/mobile terminal and the body device/external call signaling apparatus occurs by radio or infrared transmission (see page 3, lines 15-25).

Regarding claim 4, Osborn further discloses a method wherein the body device/external call signaling apparatus is designed to give a vibrating alarm (see page 11, lines 19-28).

Regarding claim 5, Osborn further discloses the body device/external call signaling apparatus to comprise of a dedicated power supply (see page 4, lines 24-26, page 8, lines 21-22).

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2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn [WO 98/42154] and Grimes [EP 512 787 A2] in view of Stern [US 6,266,542]

Regarding claim 2, Osborn as treated in claim 1 discloses all the limitations as claimed. Osborn further discloses a method wherein upon receiving a call, the telecommunication/mobile terminal sends a signaling signal to the body device/external call signaling apparatus

However, he fails to disclose a method wherein if the call is accepted by a user, sending a signaling end signal for deactivating the call signaling to the body device/external call signaling apparatus.

Stern, in the same field of endeavor teaches a method wherein if the call is accepted by a user, sending a signaling end signal for deactivating the call signaling to the body device/external call signaling apparatus. See col. 7, lines 33-58.

Therefore it would have been obvious to one with ordinary skill in the art to provide the above teachings of Grimes to modified Osborn in order to avoid risks of missing calls to the cellular telephone.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn [WO 98/42154] and Grimes [EP 512 787 A2] in view of Kuo[US 5,635,897]

Regarding claim 6, Osborn as treated in claim 6 discloses all the limitations as claimed.

However, he fails to disclose a method wherein the body device/external call signaling apparatus is designed too be carried on the body of the user.

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Kuo, in the same field of endeavor, teaches a method wherein the body device/external call signaling apparatus is designed too be carried on the body of the user(see summary of invention).

Therefore it would have been obvious to one with ordinary skill in the art to provide the above teachings of Kuo to modified Osborn in order to avoid risks of missing calls to the cellular telephone.

Regarding claim 7, Kuo further discloses a method wherein the body device/external call signaling apparatus is automatically activated and an audible alarm device of the telephone is automatically de activated when the signaling apparatus is carried on the body of the user (see summary of invention, col. 2, lines 32-37 and 44-47.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Byrne [US 6,650,231]

Personal electronic device notification system

Fujisawa [US 2001/0115478]

Mobile telephone and radio communication device
cooperatively processing incoming call

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Min [US6,725,065] Alerting device for notifying incoming call by using earphone jack in portable mobile phone

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
October 12, 2005


NAY MAUNG
SUPERVISORY PATENT EXAMINER